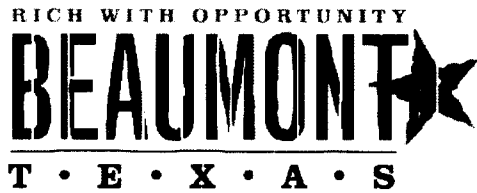


**REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBERS    OCTOBER 7, 2014    1:30 P.M.**

**CONSENT AGENDA**

- \* Approval of minutes – September 30, 2014
- \* Confirmation of committee appointments
- A) Approve the renewal of an annual maintenance agreement with SunGard Public Sector for software support for use by all City Departments
- B) Approve a payment and waiving the interest related to a paving lien dated March 10, 1931 on property at 1637 Avenue H, legally described as Joachimi L13 B12



## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** Bart Bartkowiak, Chief Technology Officer BB

**MEETING DATE:** October 7, 2014

**REQUESTED ACTION:** Council consider a resolution approving the renewal of an annual maintenance agreement for SunGard Public Sector software support in the amount of \$93,587.46 for use by all City Departments.

### BACKGROUND

This purchase is exempt from competitive bidding since it is available from only one (1) source having exclusive rights to modify and maintain the software. The software maintenance agreement provides for unlimited telephone support and up to three (3) software updates during the annual term.

This agreement is for an annual period beginning October 1, 2014 and includes the following applications.

Software Application	Contract Amount
Building Codes and Permitting	\$4,958.83
Finance Cash Receipts	\$3,015.22
Finance Asset Management	\$2,857.63
Finance GMBA Accounting System	\$11,850.77
Finance Loans Module	\$2,416.38
Finance Accounts Receivable	\$4,191.89
Finance Purchasing	\$6,513.72
Finance Payroll	\$9,791.59
Imaging Interfaces	\$2,726.31
Click2GOV Citizen Web Portal	\$3,971.26

Municipal Court	\$9,182.24
Jury Management	\$2,332.33
Land Management	\$4,465.05
Occupational License	\$2,090.69
Document Management Services	\$1,008.58
Water Billing and Citizen Online Payments	\$11,314.97
Application Modifications	\$10,900.00
<b>Total</b>	<b>\$93,587.46</b>

#### **FUNDING SOURCE**

General Fund – Information Technology, Municipal Court Technology Fund, and Water Fund.

#### **RECOMMENDATION**

Approval of resolution.

**SUNGARD** PUBLIC SECTOR

1000 Business Center Drive  
 Lake Mary, FL 32746  
 800-727-8088  
 www.sungardps.com

**Invoice**

Company	Document No	Date	Page
LG	87541	05/Sep/2014	1 of 2

Bill To: City of Beaumont  
 801 Main Street Suite 350  
 BEAUMONT, TX 77701  
 United States  
 Attn: Angela Wright 409-880-3189

Ship To: City of Beaumont  
 801 Main Street Suite 350  
 BEAUMONT, TX 77701  
 United States  
 Attn: Angela Wright 409-880-3189

Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1 1098LG	City of Beaumont		USD	NET30	05/Oct/2014

No	SKU Code/Description/Comments	Units	Rate	Extended
<b>Contract No. 2000895</b>				
2	RVI Imaging Interface - Financial Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,726.31	2,726.31
<b>Contract No. 20030933</b>				
3	Click2Gov Core Module Embedded Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,302.74	1,302.74
4	Click2Gov - Case Management Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,668.52	2,668.52
<b>Contract No. 20040856</b>				
5	NAVI-Building Permits Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	4,958.83	4,958.83
6	NAVI - Cash Receipts Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	3,015.22	3,015.22
7	NAVI Case Management Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	9,182.24	9,182.24
8	NavLine-Citation Mgmt Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	0.00	0.00
9	Navline Higher Courts Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	0.00	0.00
10	Naviline - Asset Management I Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,857.63	2,857.63
11	NAVI - GMBA w/Extended Reporting Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	11,850.77	11,850.77
12	Jury Management Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,332.33	2,332.33
13	NAVI - Loans Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,416.38	2,416.38
14	NAVI-Land Management Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	4,465.05	4,465.05

Page Total 47,776.02

**SUNGARD<sup>®</sup> PUBLIC SECTOR**

1000 Business Center Drive  
Lake Mary, FL 32746  
800-727-8088  
www.sungardps.com

**Invoice**

<b>Company</b>	<b>Document No</b>	<b>Date</b>	<b>Page</b>
LG	87541	05/Sep/2014	2 of 2

Bill To: City of Beaumont  
801 Main Street Suite 350  
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Attn: Angela Wright 409-880-3189

Ship To: City of Beaumont  
801 Main Street Suite 350  
BEAUMONT, TX 77701  
United States  
Attn: Angela Wright 409-880-3189

<b>Customer Grp/No.</b>	<b>Customer Name</b>	<b>Customer PO Number</b>	<b>Currency</b>	<b>Terms</b>	<b>Due Date</b>
1 1098LG	City of Beaumont		USD	NET30	05/Oct/2014

No	SKU Code/Description/Comments	Units	Rate	Extended
15	NAVI-Accounts Receivable Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	4,191.89	4,191.89
16	NAVI - Occupational Licenses Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,090.69	2,090.69
17	NAVI-PURCHASING INVENTORY Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	6,513.72	6,513.72
18	NAVI-Payroll/Personnel Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	9,791.59	9,791.59
19	NAVI-DMS - Document Management Services Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,008.58	1,008.58

**Contract No. 20050332**

20	NAVI - Customer Information Systems Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	8,520.37	8,520.37
21	CIS-Handheld Base Integration Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	430.75	430.75
22	Click2Gov Customer Information System Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,363.85	2,363.85

**Contract No. 9712005**

1	Retrofit Modification Option Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	109.00	100.00	10,900.00
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**Page Total** 45,811.44

Remit Payment To: SunGard Public Sector Inc.  
Bank of America  
12709 Collection Center Drive  
Chicago, IL 60693

<b>Subtotal</b>	93,587.46
<b>Sales Tax</b>	0.00
<b>Invoice Total</b>	93,587.46
<b>Payment Received</b>	0.00
<b>Balance Due</b>	93,587.46

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE

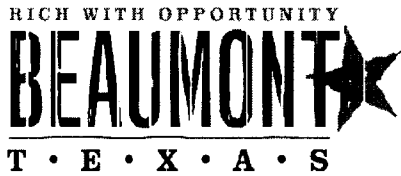
CITY OF BEAUMONT:

THAT the City Manager be, and he is hereby, authorized to pay an invoice in the amount of \$93,587.46 to SunGard Public Sector for the renewal of an annual maintenance agreement for software support beginning October 1, 2014.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 7th day of October, 2014.

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- Mayor Becky Ames -



## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** Laura Clark, Chief Financial Officer

**MEETING DATE:** October 7, 2014

**REQUESTED ACTION:** Council consider a resolution approving a payment and waiving the interest related to a paving lien dated March 10, 1931 on property at 1637 Avenue H. legally described as Joachimi L13 B12.

### **BACKGROUND**

Lisa Snook on behalf of her mother, Leigh Maldonado, has offered to pay the principal amount due in the amount of \$452.53, on a paving lien assessed against property that was inherited from her grandmother. Ms. Snook's grandmother purchased the property in 1971 and the paving lien was not discovered at that time or at the time the property was inherited by Ms. Maldonado. The lien was recently found as part of a title search related to selling the property.

The interest accrued since 1931 is \$2,604.81 and would be waived.

### **FUNDING SOURCE**

Not applicable.

### **RECOMMENDATION**

Approval of resolution.

RESOLUTION NO.

WHEREAS, a paving lien, dated March 10, 1931, in the amount of \$3,057.34 represented by \$452.53 in principal and \$2,604.81 in interest, exist against property described as 1637 Avenue H, Joachimi L13 B12; and,

WHEREAS, in 1971, Leigh Maldonado's mother purchased property described as 1637 Avenue H, Joachimi L13 B12, and said paving lien was not discovered and cleared at that time; and,

WHEREAS, Lisa Snook, on behalf of her mother Leigh Maldonado, is attempting to sell the property described as 1637 Avenue H, Joachimi L13 B12, and the net balance of the pending sale will be greatly diminished by said lien; and,

WHEREAS, the City recommends approving payment in the amount of \$452.53 for a paving lien on property described as 1637 Avenue H, Joachimi L13 B12 and waiving interest in the amount of \$2,604.81;

NOW, THEREFORE, BE IT RESOLVED BY THE  
CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the lien payoff for 1637 Avenue H, Joachimi L13 B12, be and it is hereby approved in the amount of \$452.53, and interest be and it is hereby waived in the amount of \$2,604.81; and;

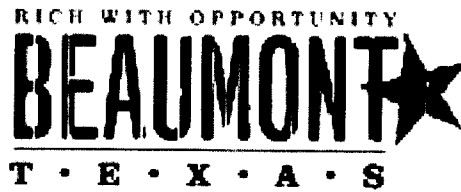
BE IT FURTHER RESOLVED THAT the City Manager is hereby authorized to execute all documents necessary to evidence the release of the paving lien in the amount of \$3,057.34 for the above described property.



PASSED BY THE CITY COUNCIL of the City of Beaumont this the 7th day of  
October, 2014.

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- Mayor Becky Ames -



**REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBERS      OCTOBER 7, 2014      1:30 P.M.**

**AGENDA**

**CALL TO ORDER**

- \* Invocation                      Pledge                      Roll Call
- \* Presentations and Recognition
- \* Public Comment: Persons may speak on scheduled agenda items 1-2/Consent Agenda
- \* Consent Agenda

**GENERAL BUSINESS**

1. Consider a resolution approving a change order to the contract with Allco, Inc. for the South Park Drainage Improvement Project
2. Consider granting a solid waste collection and transportation service franchise to Sprint Waste Services, L.P.
3. Consider an ordinance for a zone change from RS (Residential Single Family Dwelling) to LI (Light Industrial) District and a specific use permit to allow a metal sandblasting and coating facility at 7625 Washington Boulevard

**PUBLIC HEARING**

- \* Dangerous Structures
- 4. Consider an ordinance and a resolution declaring certain structures to be dangerous structures and ordering their removal within 10 days or authorizing the property owner to enroll the dangerous structure in a work program

**COMMENTS**

- \* Councilmembers/City Manager comment on various matters
- \* Public Comment (Persons are limited to 3 minutes)

**EXECUTIVE SESSION**

- \* Consider matters related to contemplated or pending litigation in accordance with Section 551.071 of the Government Code:

Russell Brister vs. City of Beaumont; Cause No. D-194,574

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Mitchell Normand at 880-3777 three days prior to the meeting.

PUBLIC HEARING: October 7, 2014 Unsafe Substandard Structures

Consider approval of an ordinance declaring certain structures to be unsafe substandard structures and ordering their removal within 10 days or authorizing the property owner to enroll the unsafe structure in a work program.

- |                                       |   |  |
|---------------------------------------|---|--|
| 1. 470 Adams & auxiliary bldgs        | 23. 495 1 <sup>st</sup> (commercial auxiliary bldg) | 48. 999 Orange (garage apartment & shed) |
| 2. 2808 Atlanta                       | 24. 275 E. Gill & shed                              | 49. 2816 Orange & shed                   |
| 3. 2340 Avenue A (garage & shed only) | 25. 2045 Glasshouse                                 | 50. 5155 Pennock                         |
| 4. 3370 Avenue B                      | 26. 2448 Goliad & shed                              | 51. 2410 Pennsylvania                    |
| 5. 3800 Avenue B                      | 27. 2645 Goliad & shed                              | 52. 3145 Pine & shed                     |
| 6. 6400 Bigner                        | 28. 3351 Grand & shed                               | 53. 3150 Pine                            |
| 7. 2650 Brahma                        | 29. 1090 Hale                                       | 54. 590 E. Pipkin (all structures)       |
| 8. 1440 Brockman                      | 30. 1355 Hale                                       | 55. 1725 Port                            |
| 9. 1645 Brooklyn                      | 31. 698 Harriot & auxiliary bldgs                   | 56. 1675 Roberts (garage only)           |
| 10. 1570 Cable                        | 32. 2270 Harriot                                    | 57. 685 Royal (commercial)               |
| 11. 1025 Center                       | 33. 8195 Helbig                                     | 58. 8235 San Bruno                       |
| 12. 702 Clara                         | 34. 3125 Hollywood                                  | 59. 8010 San Carlos                      |
| 13. 1790 College (commercial)         | 35. 5075 Idylwood & shed                            | 60. 720 Shell & garage                   |
| 14. 3515 College (commercial)         | 36. 2520 Interstate 10 E (commercial)               | 61. 910 Sherman                          |
| 15. 1469 Corley (rear garage only)    | 37. 4800 Kenneth                                    | 62. 250 E. Simmons & garage              |
| 16. 735 Delmar (commercial)           | 38. 1175 Lamar                                      | 63. 3205 S. 6 <sup>TH</sup> Street       |
| 17. 1380 Edwin & storage bldg         | 39. 3270 Lampassas                                  | 64. 2080 South                           |
| 18. 1397 Euclid (auxiliary bldg)      | 40. 350 La Salle E.                                 | 65. 2305 St. Anthony                     |
| 19. 1465 Euclid                       | 41. 1098 Lee & shed                                 | 66. 3205 Texas & shed                    |
| 20. 1611 Euclid (rear house only)     | 42. 465 Lethia                                      | 67. 330 Todd & storage                   |
| 21. 5860 Falcon                       | 43. 765 Maple (commercial)                          | 68. 120 21 <sup>st</sup> Street          |
| 22. 55 N. 5 <sup>th</sup> & garage    | 44. 2375 Monroe                                     | 69. 745 Van Buren (garage only)          |
|                                       | 45. 2365 Nora                                       | 70. 1267 Van Buren                       |
|                                       | 46. 8255 Oak Ridge                                  | 71. 3890 Youngstown                      |
|                                       | 47. 2440 Omaha                                      |  |

**October 7, 2014**

Consider a resolution approving a change order to the contract with Allco, Inc. for the South Park Drainage Improvement Project

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## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** Dr. Joseph Majdalani, P.E., Public Works Director *JM*

**MEETING DATE:** October 7, 2014

**REQUESTED ACTION:** Council consider a resolution approving a change order to the contract with Allco, Inc. for the South Park Drainage Improvement Project.

### BACKGROUND

On April 9, 2013, by Resolution No. 13-082, City Council awarded Allco, LLC, of Beaumont, Texas, the contract for South Park Drainage Improvements in the amount of \$12,330,865. This project includes the installation and replacement of storm sewer boxes and pipes which will significantly increase the capacity of the present drainage system.

In mid April of 2014, a subcontractor hired by Allco, LLC to install two (2) 72" drainage pipes under the KCS Railroad Company tracks, encountered a 60" active process water supply line owned by ExxonMobil that was not shown on the original construction plans. City staff has worked continually with ExxonMobil, Allco LLC., KCS Railroad Company, Lamar University, Texas General Land Office, and the consulting engineer Mark Whiteley & Associates, in an effort to resolve the issue.

The contractor will be utilizing a Hybrid Bore Process to install two new water lines under the railroad tracks. Due to the depth of the bore, special shoring is required. The cost of the bore and associated parts and labor is \$3,508,262.11. Due to these unexpected circumstances, it is necessary to offset the additional cost of the Hybrid Bore. The original plans have been modified to delete a section of the project resulting in a credit of \$3,180,539.36. Therefore, the requested Change Order No. 8 is an additional \$327,722.75. The recommended change order has been reviewed by the General Land Office and the City's consulting engineer.

### FUNDING SOURCE

Hurricane Ike Disaster Recovery Program Funds, administered by the Texas General Land Office, are available at this time in the amount of \$10,116,834. The remainder of \$2,740,915.28 will be paid for by the City from the Capital Program. The City is working with the General Land Office to secure additional Hurricane Ike Recovery Program funds for this project.

### RECOMMENDATION

Approval of resolution.

## CITY OF BEAUMONT

DATE: October 1, 2014  
 PROJECT: SOUTHPARK DRAINAGE PROJECT  
 OWNER: CITY OF BEAUMONT  
 CONTRACTOR: ALLCO, INC  
 CHANGE ORDER NO.: 8

THE FOLLOWING CHANGES IN THE PLANS AND/OR SPECIFICATIONS ARE HEREBY MADE:  
 Change Order No. 8 is for costs associated with crossing the KCS Railroad and abandoning the boring pit on East Lavaca due to conflict with existing underground waterline.

Add/Delete Construction Items and/or Quantities to the Contract:

Item No.	Item Code	Description	Unit	Original Quantity	New Quantity	Quantity Paid	Quantity Remain	Unit Price	New Unit Price	Amount
8060	001	ABANDON JACKING (30" X 72" DIA STEEL PIPE)(TERMINATION OF WORK)	LS	0.00	1.00			\$124,396.13		\$124,396.13
8060	002	RAILROAD FLAGGER (ABANDONING PIT)	DAY	0.00	25.00			\$2,836.00		\$70,950.00
8060	003	E-80 RAILROAD SHORING (COMPLETE)	LS	0.00	1.00			\$72,934.18		\$72,934.18
8060	004	BACKFILL ABANDONED BORING PIT (COMPLETE)	LS	0.00	1.00			\$74,066.50		\$74,066.50
8060	005	PLUG ABANDONED 72" STEEL PIPE (30 FEET)(COMPLETE)	LS	0.00	1.00			\$6,666.00		\$6,666.00
8209	001	COOPER E80 SHORING	MON	0.00	6.00			\$122,193.00		\$733,158.00
8210	001	SHORING INSTALLATION AND BACKFILL (48" HYBRID BORE PITS)	LS	0.00	1.00			\$360,340.00		\$360,340.00
8210	002	SHORING INSTALLATION AND BACKFILL (E80 JUNCTION BOX PITS)	LS	0.00	1.00			\$64,145.00		\$64,145.00
8220	001	DEWATERING (PITS)	LS	0.00	1.00			\$124,791.00		\$124,791.00
8300	001	CONSTRUCTION GATE GUARD	WEEK	0.00	14.00			\$1,100.00		\$15,400.00
8300	002	RESCUE SAFETY TEAM	DAY	0.00	74.00			\$1,500.00		\$111,000.00
8300	003	RAILROAD FLAGGER & OBSERVER (HYBRID BORE AND JUNCTION BOX)	DAY	0.00	143.00			\$2,500.00		\$357,500.00
8400	001	E80 JUNCTION BOX	EA	0.00	2.00			\$215,025.00		\$430,050.00
8500	001	HYBRID BORE 48" DIA. X 9.825 WALL STEEL PIPE (COMPLETE)	LF	0.00	430.00			\$2,132.71		\$917,065.30
465		6X5 BLOCKOUT (CMR BLOCKS)	EA	0.00	1.00			\$600.00		\$600.00
7000	001	BYPASS PUMPING (12IN AND 6IN DIESEL PUMPS)(COMPLETE)(COT)	MON	8.00	8.00			\$22,600.00		\$45,200.00
TOTAL AMOUNT ADDED										\$3,508,262.11
104		REMOV CONC SIDEWALK	LF	5,403.00	3,937.00			\$2.83		-\$4,148.78
104		REMOV CONC PAVING	SY	11,324.00	10,936.00			\$7.00		-\$2,716.00
1237		REMOV CONC DRIVEWAYS	SY	3,080.00	1,237.00			\$9.82		-\$8,278.26
105	2011	REMOV STAB BASE AND ASPHALT (2'-6")	SY	25,488.00	14,719.00			\$4.76		-\$51,260.44
110	2001	EXCAVATION	CY	9,658.00	7,250.00			\$11.28		-\$27,162.24
276	2205	8" CEM TRT (PLNT MIXCL N)(TY EXGR 4)	SY	41,966.00	28,520.00	1,601.60	26,918.40	\$18.00	\$18.64	-\$219,416.54
340	2001	HOT MIX ASPHT TY D' PG64-22	TONS	553.00	373.00			\$166.86		-\$29,998.80
360	2023	CONC P/MT (JOINTED-CPCD) 6" (CLASS P)	SY	33,539.00	23,002.00	1,494.90	21,507.10	\$41.00	\$43.45	-\$379,324.61
400	2001	SEWER EXCAVATION	CY	65,280.00	46,950.00			\$0.10		-\$2,233.00
400	2005	CEMENT STABILIZED BACKFILL	CY	16,530.00	12,092.00			\$41.44		-\$183,910.72
400	2003	EMBANKMENT TY B'(FINAL)ORD COMP)	CY	24,649.00	14,881.00			\$0.10		-\$976.80
402	2001	TRENCH PROTECTION (PIPE)	LF	14,315.00	11,175.00			\$0.10		-\$314.00
462	2006	4' X 4' BOX SEWER	LF	3,115.00	2,042.00	0.00	2,042.00	\$291.32	\$304.95	-\$284,746.19
462	2012	6' X 5' BOX SEWER	LF	1,823.00	986.00	0.00	986.00	\$372.40	\$389.83	-\$294,514.48
462	2008	5' X 4' BOX SEWER	LF	1,150.00	653.00	0.00	653.00	\$324.75	\$339.85	-\$151,476.26
462	2009	5' X 5' BOX SEWER	LF	2,249.00	1,058.00	0.00	1,058.00	\$337.86	\$353.46	-\$385,434.03
465		GRATE INLETS (DROP)(COMPL)	EA	4.00	1.00			\$1,600.00		-\$4,800.00
465		CURB INLETS (TY "A")(COMPL)	EA	64.00	44.00			\$3,000.00		-\$60,000.00
465		CURB INLETS (TY "B")(COMPL)	EA	46.00	35.00			\$3,100.00		-\$34,100.00
465		JUNCTION BOX (TY "A")(COMPL)	EA	18.00	15.00			\$21,000.00		-\$63,000.00
465		JUNCTION BOX (TY "A-1")(COMPL)	EA	2.00	0.00			\$35,000.00		-\$70,000.00
465		JUNCTION BOX (TY "B")(COMPL)	EA	2.00	1.00			\$19,000.00		-\$19,000.00
467		4-1 SAFETY END TREATMENT (COMPL)	EA	52.00	31.00			\$375.00		-\$7,875.00
471	2003	FRAMES, GRATES, RINGS AND COVERS	EA	136.00	99.00			\$250.00		-\$9,250.00
529	2006	MONO CURB	LF	20,224.00	15,188.00			\$3.14		-\$15,813.04
530	2110	5" CONCRETE DRIVEWAYS	SY	4,452.00	2,925.00			\$52.69		-\$80,457.63
531		5' SIDEWALKS (4" THICK) INCLUDES WHEELCHAIR RAMPS	SY	7,381.00	5,005.00			\$48.25		-\$114,642.00
464	2003	HOP N-12 PIPE-18"	LF	4,554.00	2,947.00			\$18.64		-\$29,954.48
464	2005	HOP N-12 PIPE-24"	LF	268.00	165.00			\$25.39		-\$2,615.17
464	2007	HOP N-12 PIPE-30"	LF	28.00	10.00			\$45.39		-\$817.02
476		JACKING 72" DIA STEEL PIPE (CO 5)(CO 6)	LF	428.00	0.00			\$1,500.71		-\$642,303.88
TOTAL AMOUNT DEDUCED										-\$3,180,539.36
CHANGE ORDER TOTAL AMOUNT ADDED										\$317,722.75

ORIGINAL CONTRACT AMOUNT: \$12,330,865.00  
 NET FROM PREVIOUS CHANGE ORDERS: \$12,530,026.53  
 TOTAL AMOUNT OF THIS CHANGE ORDER: \$327,722.75  
 PERCENT OF THIS CHANGE ORDER: 2.66%  
 TOTAL PERCENT CHANGE ORDER TO DATE: 4.27%  
 NEW CONTRACT AMOUNT: \$12,857,749.28

NO CALENDAR DAYS HAVE BEEN ADDED IN THE CONTRACT BY THIS CHANGE ORDER

ACCEPTED BY:

PREPARED BY:

APPROVED BY:

TOMMY HARRISON  
ALLCO LLC

RAFAEL MIRANDA  
PROJECT ENGINEER

ZHENG Z. TAN, P.E.  
CITY ENGINEER

AMALIA VILLAREAL, P.E.  
CITY UTILITIES ENGINEER

DR. JOSEPH MAJALANI, P.E.  
PUBLIC WORKS DIRECTOR

DR. HANI TOHME, P.E.  
CITY UTILITIES DIRECTOR

KYLE HAYES, CITY MANAGER

TINA BRUSSARD, CITY CLERK

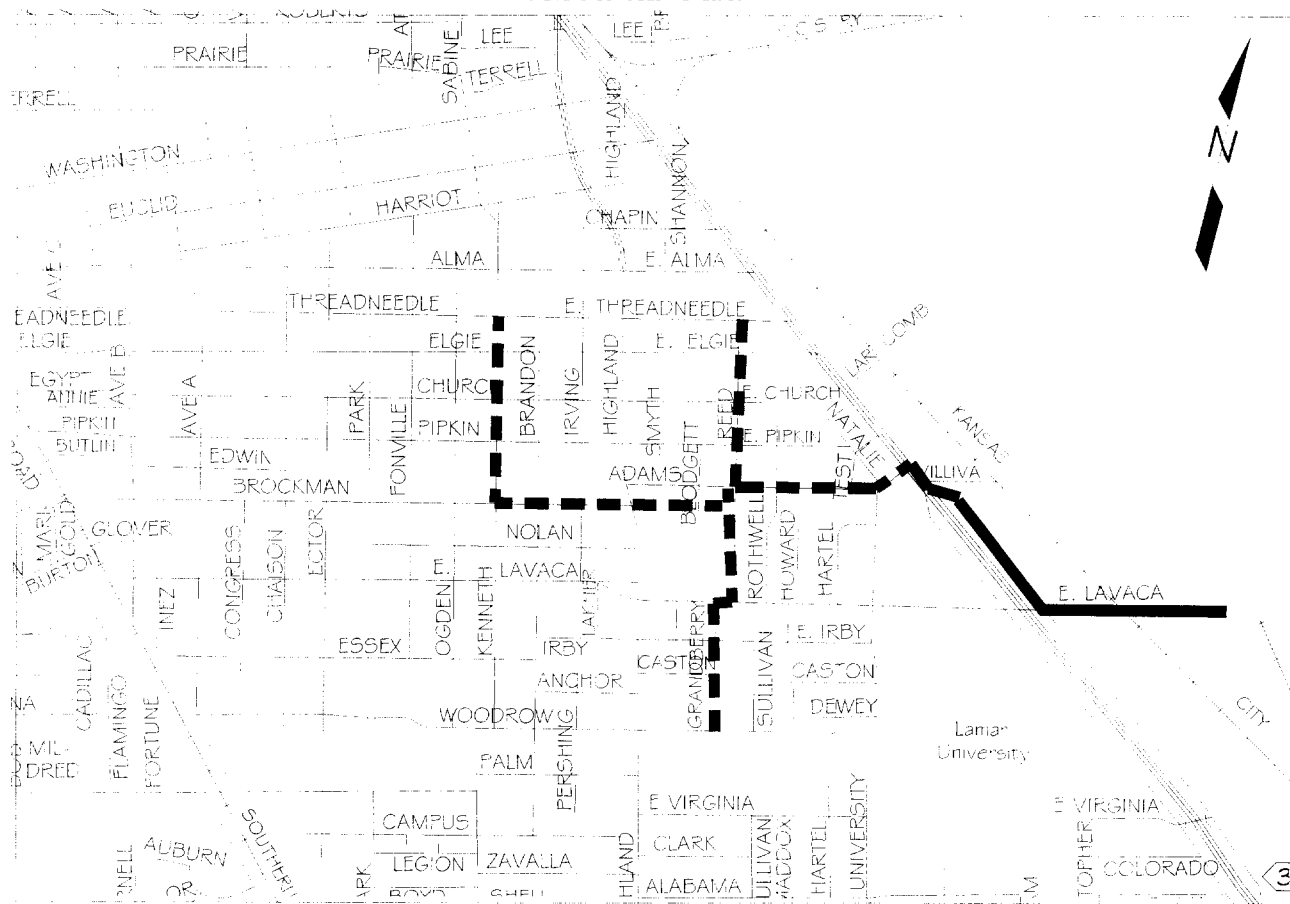
Previously Approved Change Orders  
South Park Drainage Improvement Project

Change Order No.	Description	Cost
1	Furnish temporary fence within the Chemtrade Chemical Plant.	\$7,705.00
2	Construction of a concrete wingwall at the outfall inside the Chemtrade Chemical Plant.	\$9,863.99
3	Removal of a raised median for driveway access to LIT and SETX Food Bank	\$3,173.81
4	For addition of reinforcing steel in the concrete roadway.	\$5,665.38
5	Costs associated with realignment of the storm sewer within the KCS railroad crossing easement and a deduction for eliminating the prime coat and embankment material.	\$23,059.13
6	Installation of cement stabilized backfill at the junction box on MLK feeder road, removal and installation of pipe and inlets on East Lavaca, removal and shoring costs and installation of field modifications for a by-pass pumping access point.	\$6,294.22
7	Bypass pumping of the storm water within the construction area to the existing storm sewer system.	\$143,400

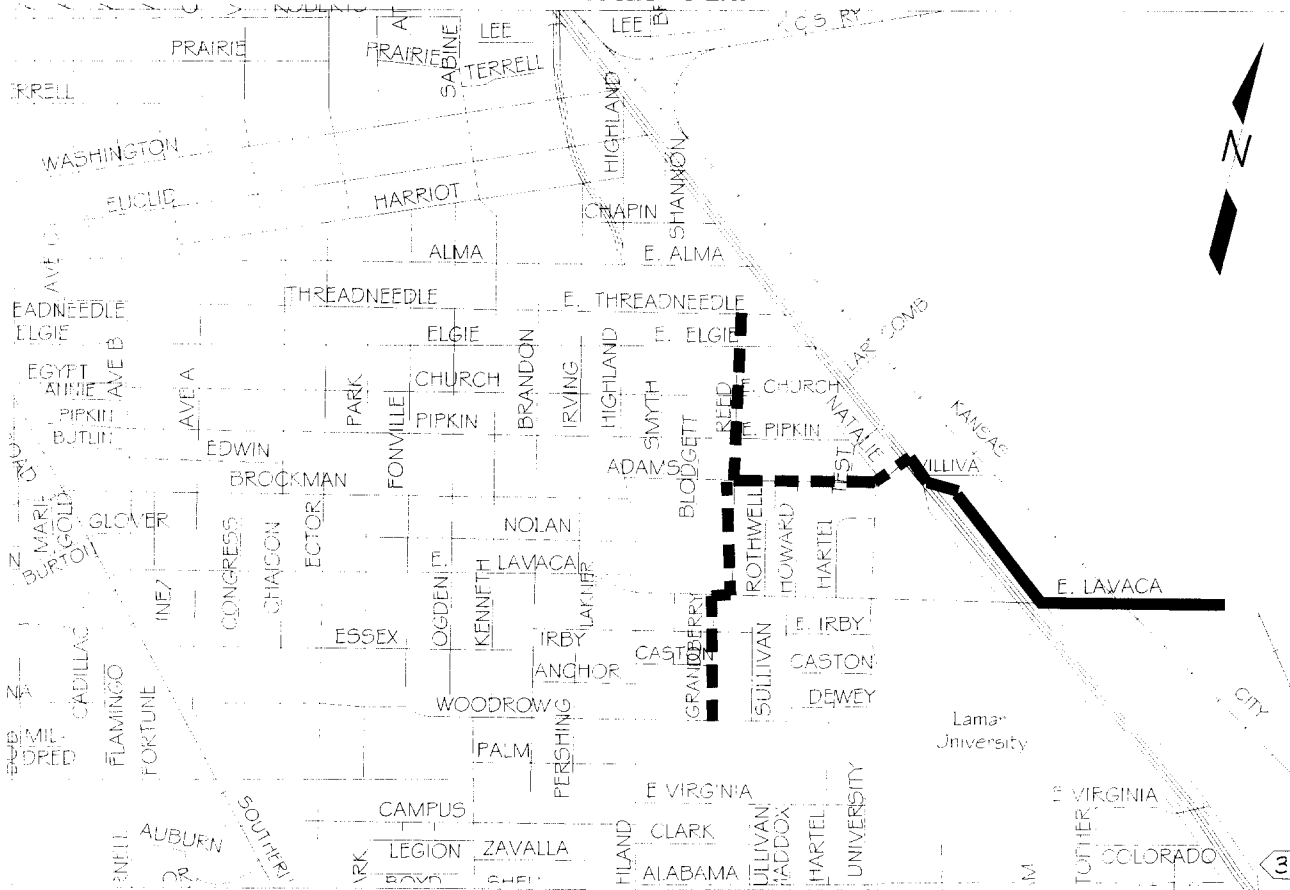


# SOUTH PARK DRAINAGE PROJECT

## ORIGINAL PLAN



## MODIFIED PLAN



## RESOLUTION NO.

WHEREAS, on April 9, 2013, the City Council of the City of Beaumont, Texas passed Resolution No. 13-082 awarding a contract in the amount of \$12,330,865 to Allco, LLC, of Beaumont, Texas, for the South Park Drainage Improvement Project; and,

WHEREAS, on August 12, 2013, the City Manager executed Change Order No. 1, in the amount of \$7,705 to furnish a temporary fence within the Chemtrade Chemical Plant, thereby increasing the contract amount to \$12,338,570; and,

WHEREAS, on October 21, 2013, the City Manager executed Change Order No. 2, in the amount of \$9,863.99 for the construction of a concrete wingwall at the outfall inside the Chemtrade Chemical Plant, thereby increasing the contract amount to \$12,348,433.99; and,

WHEREAS, on November 25, 2013, the City Manager executed Change Order No. 3, in the amount of \$3,173.81 for the removal of a raised median for driveway access to LIT and SETX Food Bank, thereby increasing the contract amount to \$12,351,607.80; and,

WHEREAS, on February 20, 2014, the City Manager executed Change Order No. 4, in the amount of \$5,665.38 for the addition of reinforcing steel in the concrete roadway, thereby increasing the contract amount to \$12,357,273.18; and,

WHEREAS, on March 4, 2014, the City Council of the City of Beaumont, Texas passed Resolution No. 14-057 authorizing the City Manager to execute Change Order No. 5, in the amount of \$23,059.13, to include costs associated with realignment of the storm sewer within the KCS railroad crossing easement and a deduction for eliminating the prime coat and embankment material, thereby increasing the contract amount to \$12,380,332.31; and,

WHEREAS, on March 28, 2014, the City Manager executed Change Order No. 6, in the amount of \$6,294.22, for all costs associated with the installation of cement stabilized backfill at the junction box on MLK feeder road, removal and installation of pipe and inlets on East Lavaca, the removal and shoring costs and installation of field modifications for a by-pass pumping access point, thereby increasing the contract amount to \$12,386,626.53; and,

WHEREAS, on May 27, 2014, the City Council of the City of Beaumont, Texas passed Resolution No. 14-119 authorizing the City Manager to execute Change Order No. 7, in the amount of \$143,400, to include costs associated with bypass pumping of the storm water within the construction area to the existing storm sewer system, thereby increasing the contract amount to \$12,530,026.53; and,

WHEREAS, Change Order No. 8, in the amount of \$327,722.75, is required to utilize the Hybrid Bore Process to install two new water lines under the railroad tracks and special shoring due to the depth of the bore, thereby increasing the contract amount to \$12,857,749.28;

NOW, THEREFORE, BE IT RESOLVED BY THE  
CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the City Manager be and he is hereby authorized to execute Change Order No. 8 for additional work described above, thereby increasing the contract amount by \$327,722.75 for a total contract amount of \$12,857,749.28 for the South Park Drainage Improvement Project.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 7th day of  
October, 2014.

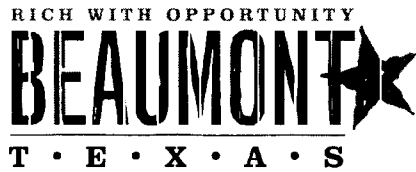
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- Mayor Becky Ames -

**October 7, 2014**

Consider granting a solid waste collection and transportation service franchise to Sprint Waste Services, L.P.

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## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** Laura Clark, Chief Financial Officer

**MEETING DATE:** October 7, 2014

**REQUESTED ACTION:** Council consider granting a solid waste collection and transportation service franchise to Sprint Waste Services, L.P.

### BACKGROUND

On January 1, 2014, Triangle Waste ( a wholly-owned subsidiary of Sprint Waste Services, LP) merged into Sprint Waste Services, LP. Triangle Waste has a solid waste franchise agreement with the City of Beaumont but due to the legal change in corporate structure and merger with Sprint Waste Services, LP, it is necessary for the company to obtain a franchise agreement with the City in the name of Sprint Waste Services, LP. According to City Ordinance 22.05.101, no person shall engage in the business of collecting, hauling or transporting, in the city, any garbage, waste or refuse, without first having obtained a franchise from the City. Seven (7) entities currently have nonexclusive franchise agreements with the City and are doing business in this area.

The requested franchise is generally the same as those previously approved by City Council. It provides for a term of one year from its effective date and a franchise fee of seven percent (7%) of gross revenues received for service. It also requires the entity to indemnify the City of Beaumont and provide insurance which names the City of Beaumont as a named insured.

According to City Charter, franchise ordinances require readings at three (3) separate Council meetings, with the third not less than thirty (30) days from the first reading. The ordinance does not take effect until sixty (60) days after its adoption on the third and final reading. After passage, the ordinance must be published for four (4) consecutive weeks in a newspaper of general circulation in the city. All publication costs are paid by the franchisee.

This is the third reading of the franchise ordinance. The first reading occurred on August 26, 2014 and the second on September 9, 2014.

Franchise for Sprint Waste Services, LP.

October 8, 2014

Page 2

**FUNDING SOURCE**

A franchise fee of seven percent (7%) of gross receipts is paid into the General Fund.

**RECOMMENDATION**

Approval of resolution.

ORDINANCE NO.

ENTITLED AN ORDINANCE GRANTING A FRANCHISE FOR  
SOLID WASTE COLLECTION AND TRANSPORTATION  
SERVICES TO SPRINT WASTE SERVICES, L.P.

WHEREAS, Sprint Waste Services, L.P. (the "Company") has requested a franchise to operate a solid waste collection and transportation service within the City of Beaumont, Texas (the "City"); and,

WHEREAS, the City desires to grant such franchise;

NOW, THEREFORE, BE IT ORDAINED BY THE

CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and

Section 1.

Grant of Authority

There is hereby granted by the City to Sprint Waste Services, L.P. the right and privilege to operate and maintain within the City a solid waste collection and transportation service (the "service"). For purposes of this franchise, the term "solid waste collection and transportation service" shall mean the regular business of collection, hauling or transporting any garbage, rubbish, waste or refuse from locations in the City, and the disposal of such material in accordance with law. The franchise granted herein is nonexclusive, and franchises may be granted to other persons for service.

Section 2.

Term of Franchise

The franchise herein granted shall take effect and be in force sixty (60) days after



the final passage hereof as required by law and upon the filing by the Company of an acceptance with the City Clerk, and shall continue in force and effect until one (1) year thereafter. The acceptance required hereunder must be in writing and filed with the City Clerk within thirty (30) days after final passage hereof. Upon the expiration of the term hereof, this franchise shall continue on a month-to-month basis until terminated by either party or extended or replaced.

### Section 3.

#### Rates

The Company shall establish rates for service which are uniform as to customer class based upon such criteria as type of waste, container size, frequency of collection and distance of travel. The Company shall file its initial rates for service with its acceptance as required herein. Such rates shall, unless modified by the City, be effective with the effective date of this franchise. Any modifications in rates by the Company shall first be filed with the City Clerk and City Attorney and shall be effective thirty (30) days after such filing unless modified by City as provided herein. Nothing herein shall prevent the Company from charging uniform rates which are less than the rates filed with the City. The City shall have the right to establish rates charged by Company for services performed hereunder, after notice and hearing. Rates established by the City shall be sufficient to allow the Company an opportunity to earn a reasonable return on its invested capital used in providing such services.

### Section 4.

#### Franchise Fee

The Company shall pay to the City, on or before the fifteenth (15th) day of each

month, a sum equal to SEVEN PERCENT (7%) of the gross revenues received for service in the previous month as payment for the use of the City's streets, alleys and rights-of-way. The payments herein provided do not relieve Company from the payment of ad valorem taxes, special assessments, charges, or other fees applicable to the public generally. City shall have the right, at any reasonable time, to audit the books and records of the Company and the Company is hereby required to make such books and records available at the request of City. Upon written acceptance, the Company shall furnish to the City a listing of customers served, including customer name, address, frequency of pick-up, size of container or type of service and charge for same. The following report shall be filed monthly with the City Manager or his designee along with the street rental payment required herein:

Upon written request and within thirty (30) days of receipt, the Company shall furnish to the City adequate reconciliation of reported revenues which would include: a listing of names and addresses of all customers served, frequency of pick-up, size of container or type of service and charge for same, and date service was initiated and discontinued.

#### Section 5.

##### Indemnity, Insurance and Bond

The Company shall at all times during the effective period of this franchise, carry liability insurance as provided herein. The Company covenants and agrees at all times to indemnify and save harmless the City, its officers, agents, employees, and any member of the public against any and all injuries, damages, claims, causes of action or loss of compensation arising or resulting from Company's operations under this franchise, whether or not such loss was caused by the negligence of the City, its agents, servants or employees. Upon notice given Company by City, Company must defend at its own

expense, any action or suit brought against the City because of any work or other acts done by the Company under the terms of this franchise. Counsel chosen by Company to defend City must be satisfactory to City. Company will pay any final judgment which might be obtained against City by reason of any work or acts done hereunder by Company, its agents, servants or employees, and Company will pay all damages occurring to any person or property, public or private, resulting from any fault or neglect on its part or on the part of its agents or employees.

The Company agrees to carry insurance as follows:

- 1) Workers' Compensation  
The Company shall furnish the City Clerk a certificate of insurance indicating workers' compensation coverage as required by the State of Texas.
- 2) Automobile Liability Insurance  
The Company shall carry, in its own name, a policy in comprehensive form to insure the automobile liability of its operation with limits of not less than Five Hundred Thousand Dollars (\$500,000.00) per occurrence for bodily injury and, in addition, not less than One Hundred Thousand Dollars (\$100,000.00) property damage. This policy shall name City as an additional insured and provide for thirty (30) days notice to City prior to cancellation. A certificate of insurance certifying such coverage shall be filed with the City Clerk before the effective date of this franchise, and it shall be maintained in force during the term of the franchise.
- 3) General Liability  
The Company shall carry, in its own name, a comprehensive liability insurance policy including contractual coverage for operations other than automobile with limits of not less than Five Hundred Thousand Dollars (\$500,000.00) per occurrence for bodily injury, and One Hundred Thousand Dollars (\$100,00.00) per occurrence for property damage. The policy shall name the City as named insured and provide for thirty (30) days notice to City prior to cancellation. A certificate of insurance certifying such coverage shall be filed with the City Clerk before the effective date of this franchise and maintained in force during the term of the franchise.

## Section 6.

### Compliance with Laws and Ordinances

The Company shall, at all times during the term of this franchise, be subject to all lawful exercise of police power by the City and to such reasonable regulations as the City shall hereafter by ordinance provide. In addition, the Company will observe all city, county, state, and federal laws regulating the collection and disposal of solid waste.

## Section 7.

### Service Standard and Equipment

The Company shall maintain and operate its collection system and equipment in good order to render efficient service subject to the terms of this franchise. All vehicles, containers, and equipment used for the collection and transportation of solid waste shall be constructed, operated and maintained to prevent loss of liquid or solid waste material and to minimize health and safety hazards to solid waste management personnel and the public. Such vehicles, containers, and equipment used shall be maintained in a clean, sanitary condition and free from odors at all times. All vehicles and equipment shall comply with federal, state, and local regulations. Collection vehicles and all bulk, commercial, and roll-off type containers shall be painted and numbered and shall have the Company's name and telephone number painted in letters of a contrasting color. Such containers may not be placed on any street or right-of-way within the City. All collections shall be made directly from the premises of the customer and any emptied containers returned directly to such premises.

## Section 8.

### Providing Services

The Company shall provide service to any person, firm, corporation, association or entity inside the City of Beaumont who requests such service and is not delinquent in the payment of collection charges due the Company.

## Section 9.

### Office

The Company shall establish and maintain an office with telephone service and shall keep said office open for business from 9:00 A.M. to 5:00 P.M. each and every day except Saturday, Sunday and holidays.

## Section 10.

### Interruption of Service

In the event that service shall be interrupted for any reason for more than forty-eight (48) hours, the City shall have the right to make temporary independent arrangements for the purposes of continuing this necessary service to its residents in order to provide or protect the public health and safety. If the interruption in service mentioned herein continues for a period of seventy-two (72) hours, then the City shall have the right to terminate the rights and privileges granted in this franchise.

## Section 11.

### Termination

In the event that any provision of this franchise is violated by the Company, the City may serve written notice upon the Company of its intention to terminate this franchise. The notice shall contain the reasons for such intention to terminate the franchise. Unless within

ten (10) days after mailing such notice by City to the Company, such violation shall cease, or satisfactorily arrangements for correction be made by Company, the City Council may, after a public hearing in which Company is provided an opportunity to present evidence concerning such violation, declare the franchise terminated and serve written notice upon the Company of the termination and the termination of the franchise shall be effective upon the mailing of such notice.

## Section 12.

### Transfer of Franchise Rights

Franchise rights granted hereunder shall not be transferred to another without the approval of City. A single transfer or a series of transfers of Company's stock which constitute a transfer of a majority interest in Company is subject to the prior approval of City.

## Section 13.

### Notices

Where written notices are provided for in this ordinance, same shall be sufficient to notify Company when provided by certified mail to:

Sprint Waste Services, L.P.  
1000 S. Business Park Dr.  
Port Arthur, TX 77640

Notice to City is sufficient if mailed by certified mail to:

City Manager  
City of Beaumont  
P.O. Box 3827  
Beaumont, TX 77704

## Section 14.

If any section, sentence, clause, paragraph or phrase of this ordinance, other than

Section 4, is for any reason held to be invalid or illegal, such invalidity shall not effect the remaining portions of this ordinance. If Section 4 hereof is held to be invalid for any reason, the ordinance shall be immediately invalid.

#### Section 15.

It is agreed by City and Company that venue of any legal proceedings under this franchise agreement shall be in Jefferson County, Texas.

#### Section 16.

##### Vehicle Permits

Twenty (20) days prior to the effective date of this franchise, the Company shall furnish to the City a list of all vehicles to be providing solid waste collection and disposal service under this franchise. Such list shall include state license number, year, make, model and manufacturer's rated capacity for each vehicle. Vehicles not having a valid City of Beaumont landfill permit will not be allowed to operate under this agreement nor utilize the City refuse disposal facility. If at any time a vehicle or equipment is found to be in noncompliance with Section 7 of this franchise, the Company will be notified of its violation and said equipment or vehicle shall be removed from service upon receipt of written notification.

Failure to comply with this provision or to falsify the information concerning the location of the service of the vehicle shall be a material breach of this franchise. Should City decide not to terminate this franchise because of any violation of this Section, Company's disposal fee at City's landfill shall be doubled for all of Company's vehicles for a period of sixty (60) days.

PASSED BY THE CITY COUNCIL of the City of Beaumont on first reading this the 26th day of August, 2014.

PASSED BY THE CITY COUNCIL of the City of Beaumont on second reading this the 9th day of September, 2014.

PASSED BY THE CITY COUNCIL of the City of Beaumont on final reading this the 7th day of October, 2014.

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- Mayor Becky Ames -

ACCEPTANCE:  
Sprint Waste Services, L.P.

By: \_\_\_\_\_  
(Company Owner/Representative)



**October 7, 2014**

Consider an ordinance for a zone change from RS (Residential Single Family Dwelling) to LI (Light Industrial) District and a specific use permit to allow a metal sandblasting and coating facility at 7625 Washington Boulevard

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## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** Chris Boone<sup>CJB</sup>, Director of Planning and Community Development

**MEETING DATE:** October 7, 2014

**REQUESTED ACTION:** Council consider an ordinance approving a zone change from RS (Residential Single Family Dwelling) to LI (Light Industrial) District with a specific use permit for a metal sandblasting and coating facility at 7625 Washington Boulevard.

### BACKGROUND

Robert Dean Fontenot is requesting the zone change and specific use permit.

The Fontenots own approximately forty (40) acres at 7625 Washington Blvd., this request is for ±21.51 acres of the total area. The Fontenots purchased this property approximately fifteen (15) years ago and immediately opened for business. Staff has no record of permits pulled for this business. The property includes a barn, used for their sandblasting business, which is located in an area previously used for oil and gas drilling. Mr. Fontenot contends that this oil and gas drilling operation created a “dead zone” where vegetation no longer grows, making the land unsuitable for agricultural purposes. The proposed use employs two or three employees and operates from 8 AM to 4:30 PM, Monday through Friday. Sand blasting is considered similar to other metal working uses for the purposes of zoning.

One of the primary concerns for this request is spot zoning. The reasons being:

1. The request is not in compliance with the comprehensive plan. The subject property is designated as a neighborhood growth unit.
2. The request is not consistent with the zoning or land use of the surrounding area, existing uses in the area are primarily residential. While it is unfortunate that the business is not allowable in this zone type, the zoning pattern is predominantly RS. In addition the surrounding land use is residential to the north, Crescent on Walden is located to the southeast and land to the west and northwest have been developed residentially.

3. Rezoning would not serve a public purpose furthering public health, safety, morals or general welfare.

At a Joint Public Hearing held September 15, 2014, the Planning Commission recommended 5:2 to deny a zone change from RS (Residential Single Family Dwelling) to LI (Light Industrial) District with a specific use permit for a sandblasting shop at 7625 Washington Boulevard.

**FUNDING SOURCE**

Not applicable.

**RECOMMENDATION**

Denial of ordinance.

**LEGAL DESCRIPTION FOR ORDINANCE PURPOSES**

Being Tract 31, Plat SP-8, C. Williams Survey, City of Beaumont, Jefferson County, Texas, containing 21.514 acres, more or less.

**APPLICATION FOR AMENDMENT  
OF THE ZONING ORDINANCE  
BEAUMONT, TEXAS**  
(Chapter 28, City Codes)

TO: THE PLANNING COMMISSION AND CITY COUNCIL, CITY OF BEAUMONT, TEXAS

APPLICANT'S NAME AND ADDRESS: Robert Dean Fontenot

APPLICANT'S PHONE #: (409) 860-1853 / 409 861-2750 FAX #: (409) 838-5577

NAME OF OWNER: Robert Dean Fontenot JANE CRIC - 732 9384

ADDRESS OF OWNER: 7625 Washington Blvd., Beaumont, TX

LOCATION OF PROPERTY: 7625 Washington Blvd., Beaumont, TX

LEGAL DESCRIPTION OF PROPERTY: SEE ATTACHED EXHIBIT FROM JEFFERSON COUNTY  
APPRAISAL DISTRICT

LOT NO. \_\_\_\_\_ OR TRACT 31

BLOCK NO. \_\_\_\_\_ PLAT SP-8

ADDITION \_\_\_\_\_ SURVEY C. WILLIAMS

NUMBER OF ACRES \_\_\_\_\_ NUMBER OF ACRES ± 21.514

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed to be changed, and a complete legal field note description.

CURRENT ZONING DISTRICT: Residential

ZONING DISTRICT REQUESTED: Light Industrial

HAS THE REQUEST BEEN MADE BEFORE? No IF SO, DATE: \_\_\_\_\_

ACTION: \_\_\_\_\_

**SUBMIT A LETTER STATING REASONS FOR REQUEST.**

**ATTACH THE APPROPRIATE APPLICATION FEE:**

LESS THAN 1/2 ACRE.....	\$250.00
1/2 ACRE OR MORE AND LESS THAN 5 ACRES.....	\$450.00
5 ACRES OR MORE.....	\$650.00

I HEREBY ACKNOWLEDGE THAT THE APPLICATION IS MADE FOR THE REQUESTED DISTRICT OR A MORE RESTRICTIVE DISTRICT.

SIGNATURE OF APPLICANT: Robert D. Fontenot DATE: December 24, 2013

SIGNATURE OF OWNER: Robert D. Fontenot

PLEASE TYPE OR PRINT AND SUBMIT TO:

PLANNING DIVISION, ROOM 201  
CITY HALL, 801 MAIN STREET  
BEAUMONT, TX 77701  
P.O. BOX 3827 77704  
(409) 880-3764  
FAX (409) 880-3133

FILE NUMBER: 2194-2/P  
DATE RECEIVED: 12/26/13  
RECEIPT NUMBER: \_\_\_\_\_

**SPECIFIC USE PERMIT APPLICATION  
BEAUMONT, TEXAS**

(Chapter 28, City Codes)

TO: THE PLANNING COMMISSION AND CITY COUNCIL, CITY OF BEAUMONT, TEXAS

APPLICANT'S NAME: Robert Dean Fontenot

APPLICANT'S ADDRESS: 7625 Washington Blvd., Beaumont, TX

APPLICANT'S PHONE #: (409) 860-1853 FAX #: (409) 838-5577

NAME OF OWNER: Robert Dean Fontenot

ADDRESS OF OWNER: 7625 Washington, Beaumont, TX

LOCATION OF PROPERTY: 7625 Washington, Beaumont, TX

LEGAL DESCRIPTION OF PROPERTY: SEE ATTACHED EXHIBIT FROM JEFFERSON COUNTY APPRAISAL

LOT NO. \_\_\_\_\_ DISTRICT \_\_\_\_\_ OR TRACT 31

BLOCK NO. \_\_\_\_\_ PLAT SP-8

ADDITION \_\_\_\_\_ SURVEY C. WILLIAMS

NUMBER OF ACRES \_\_\_\_\_ NUMBER OF ACRES ± 21.514

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed for a specific use permit, and a complete legal field note description.

PROPOSED USE: Sandblasting Shop ZONE: Light Industrial

ATTACH A LETTER describing all processes and activities involved with the proposed uses.

ATTACH A SITE PLAN drawn to scale with the information listed on the top back side of this sheet.

ATTACH A REDUCED 8 1/2" X 11" PHOTOCOPY OF THE SITE PLAN.

THE EIGHT CONDITIONS listed on the back side of this sheet must be met before City Council can grant a specific use permit. PLEASE ADDRESS EACH CONDITION IN DETAIL.

ATTACH THE APPROPRIATE APPLICATION FEE:

LESS THAN 1/2 ACRE.....	\$250.00
1/2 ACRE OR MORE AND LESS THAN 5 ACRES.....	\$450.00
5 ACRES OR MORE.....	\$650.00

I, being the undersigned applicant, understand that all of the conditions, dimensions, building sizes, landscaping and parking areas depicted on the site plan shall be adhered to as amended and approved by City Council.

SIGNATURE OF APPLICANT: Robert D. Fontenot DATE: December 24, 2013

SIGNATURE OF OWNER: Robert D. Fontenot DATE: December 24, 2013

PLEASE TYPE OR PRINT AND SUBMIT TO:

CITY OF BEAUMONT  
PLANNING DIVISION  
801 MAIN STREET, ROOM 201  
BEAUMONT, TX 77701

FILE NUMBER: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

Phone - (409) 880-3764  
Fax - (409) 880-3133

\*\*\*\*\*  
PLEASE MAKE NOTE ON REVERSE SIDE OF CONDITIONS TO BE MET REGARDING THE SITE PLAN AND LETTER OF PROPOSED USES AND ACTIVITIES.

# *The Yoes Law Firm, L.L.P.*

Compass Bank Building  
3535 Calder Avenue, Suite 235  
P. O. Drawer 7584  
Beaumont, Texas 77726-7584  
Telephone: (409) 833-2352  
Facsimile: (409) 838-5577

William H. Yoes  
why@yoeslawfirm.com

Stuart C. Yoes  
scy@yoeslawfirm.com

December 24, 2013

Planning Division, Room 201  
City Hall, 801 Main Street  
Beaumont, TX 77701

*Via Hand-delivery*

RE: Dean Fontenot  
d/b/a Ace Blasting & Painting  
Special Use Permit Application  
Property ID 210691  
7625 Washington Blvd, Beaumont, TX

Dear Sir:

We are hereby applying for an Amendment of the Zoning Ordinance under Chapter 28, City Codes, of the City of Beaumont Zoning Regulations to use a portion (0.74 acres) or all of the approximate forty (40) acres owned by Mr. and Mrs. Dean Fontenot as a sandblasting shop on property located at 7625 Washington Boulevard, Beaumont, Jefferson County, Texas, within a residential zone.

The Fontenots have owned approximately forty (40) acres of land on Washington Boulevard in the City of Beaumont for approximately fifteen (15) years. As you probably know, the land was previously used for oil and gas drilling operations and agricultural purposes. The actions of the drilling company caused the land to become littered with debris and created "dead zones" where vegetation no longer grows. Although the Fontenots have cleaned up the land, "dead zones" still remain.

Beginning in 1997, the Fontenots have utilized the land as their home and operated their sandblasting shop in a barn behind their home. The business employs two to three employees. On average, two (2) trucks per month deliver materials to be sandblasted and pick up finished materials. The business is fully permitted by the Texas Commission on Environmental Quality. There have been no complaints regarding the business in the fifteen (15) years that the Fontenots have operated their business at the site. The adjacent property is zoned either light industrial or residential.

Relating to the proposal, please refer to the enclosed site plan/plat drawn to scale containing the following required information:

- 1) Boundaries of the area covered by the site plan;
- 2) The location of each existing and proposed building and structure in the area covered by the site plan and the number of stories, height, roof line, gross floor area and location of building entrances and exits;
- 3) The location of existing and proposed drainage ways and significant natural features (see enclosed photograph);
- 4) Proposed required landscaping and screening buffers (see enclosed photograph);
- 5) The location and dimensions of all curb cuts, public and private streets, required parking and loading areas, pedestrian walks, lighting facilities, and outside trash storage facilities (see attached plat);
- 6) The location, height and type of each existing or required wall, fence, and all other types of screening (see enclosed plat);
- 7) The location, height and size of all proposed signs (Section 28.04.003).

Also enclosed is a reduced 8 ½" x 11" photocopy of the site plan.

Please find enclosed and fully incorporated in this correspondence a plat of the premises as well as an aerial photograph.

Pursuant to Section 28.04.001, Zoning Ordinance, we hereby confirm that the following eight (8) conditions have been met:

- 1) That the specific use will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values within the immediate vicinity;
- 2) That the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
- 3) That adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;

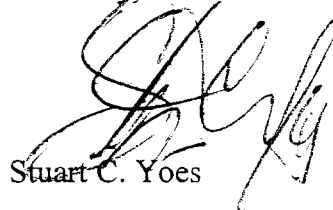
- 4) The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development;
- 5) That adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
- 6) That directional lighting will be provided so as not to disturb or adversely affect neighboring properties;
- 7) That there are sufficient landscaping and screening to insure harmony and compatibility with adjacent property; and
- 8) That the proposed use is in accordance with the Comprehensive Plan.

The granting of the variance will not be contrary to the public interest. Literal enforcement of the chapter will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question. "Unnecessary hardship", meaning physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship has not resulted from the applicant's or property owner's own actions. In fact, should the Fontenots not be allowed to continue their business in its present location, the land will once again become the eyesore and community nuisance it was when the Fontenots purchased it. By granting the variance, the spirit of the chapter will be observed and substantial justice will be done.

Lastly, enclosed is our check in the amount of \$650.00 in payment of the appropriate application fee.

Thank you for your assistance in this matter.

Sincerely,



Stuart C. Yoes

SCY/lml  
Enclosures



ORDINANCE NO.

ENTITLED AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, AND IN PARTICULAR THE BOUNDARIES OF THE ZONING DISTRICTS, AS INDICATED UPON THE ZONING MAP OF BEAUMONT, TEXAS, BY CHANGING THE ZONING OF PROPERTY PRESENTLY ZONED RS (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT TO LI (LIGHT INDUSTRIAL) DISTRICT FOR PROPERTY LOCATED AT 7625 WASHINGTON BOULEVARD, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING A PENALTY.

BE IT ORDAINED BY THE CITY OF BEAUMONT:

Section 1.

That Chapter 28 of the Code of Ordinances of Beaumont, Texas, and in particular the boundaries of the zoning districts, as indicated upon the Zoning Map of the City of Beaumont, referred to in Section 28.01.005(b) thereof, is hereby amended by changing the zoning of property presently zoned RS (Residential Single Family Dwelling) District to LI (Light Industrial) District for property located at 7625 Washington Boulevard, being Tract 31, Plat SP-8, C. Williams Survey, City of Beaumont, Jefferson County, Texas, containing 21.514 acres, more or less, as shown on Exhibit "A," attached hereto, and the official zoning map of the City of Beaumont is hereby amended to reflect such changes.

Section 2.

That, in all other respects, the use of the property herein above described shall be subject to all of the applicable regulations of the underlying zoning district as well as those regulations contained in Chapter 28 of the Code of Ordinances of Beaumont, Texas, as amended.

### Section 3.

That if any section, subsection, sentence, clause or phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall not affect the remaining portions of this ordinance, and to such end, the various portions and provisions of this ordinance are declared to be severable.

### Section 4.

That all ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict only.

### Section 5.

That any person who violates any provision of this ordinance shall, upon conviction, be punished, as provided in Section 1.01.009 of the Code of Ordinances of Beaumont, Texas.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 7th day of October, 2014.

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- Mayor Becky Ames -

**File 2194-Z/P:** Request for a zone change from RS (Residential Single Family Dwelling) to LI (Light Industrial) district with a specific use permit to allow a sandblasting shop.

**Location:** 7625 Washington Boulevard

**Applicant:** Robert Dean Fontenot

0 100 200  
Feet

N

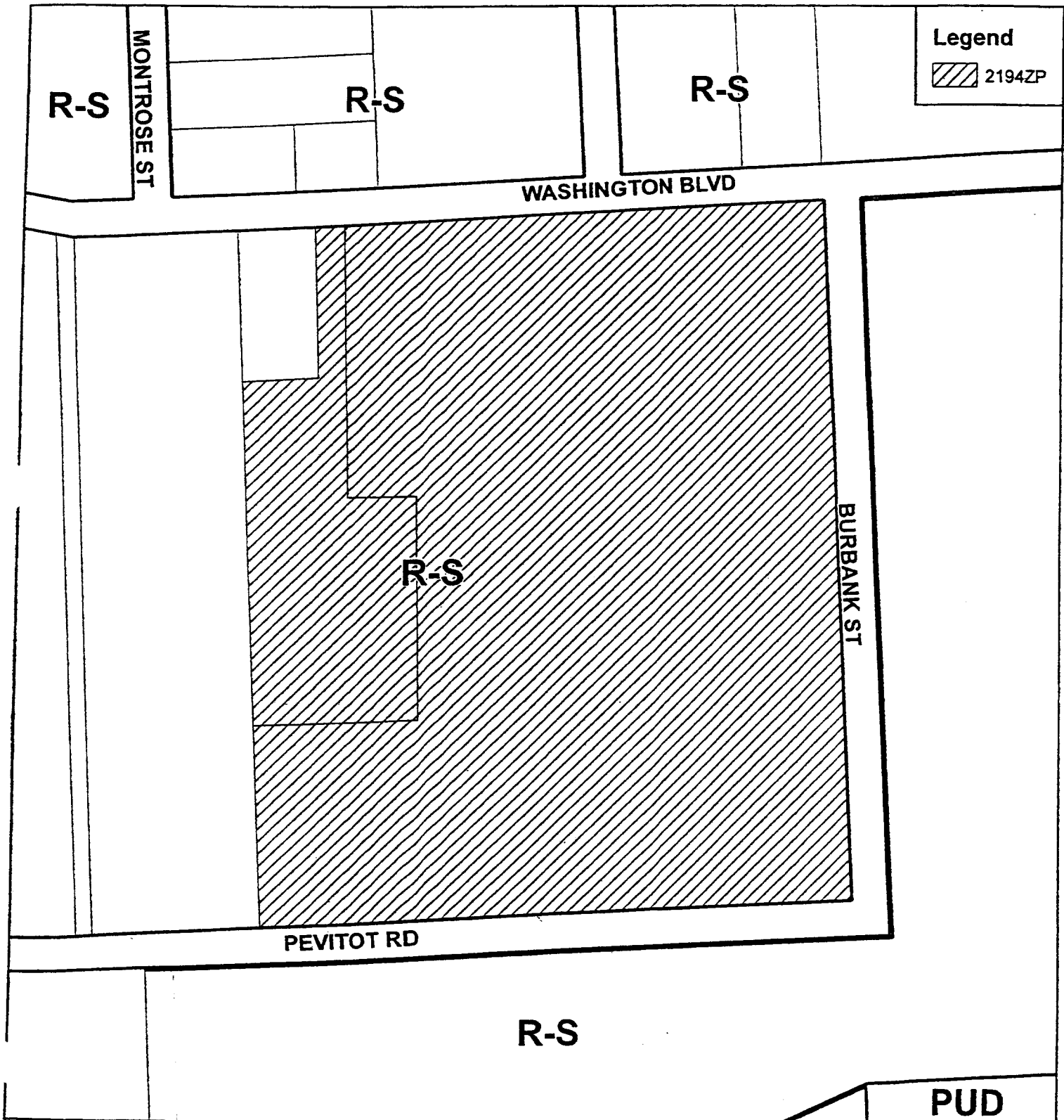


EXHIBIT "A"

ORDINANCE NO.

ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A METAL SANDBLASTING AND COATING FACILITY IN AN LI (LIGHT INDUSTRIAL) DISTRICT AT 7625 WASHINGTON BOULEVARD IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.

WHEREAS, Robert Dean Fontenot has applied for a specific use permit to allow a metal sandblasting and coating facility in an LI (Light Industrial) District at 7625 Washington Boulevard, being Tract 31, Plat SP-8, C. Williams Survey, City of Beaumont, Jefferson County, Texas, containing 21.514 acres, more or less, as shown on Exhibit "A," attached hereto; and,

WHEREAS, the Planning and Zoning Commission of the City of Beaumont considered the request and is recommending approval of a specific use permit to allow a metal sandblasting and coating facility in an LI (Light Industrial) District at 7625 Washington Boulevard; and,

WHEREAS, the City Council is of the opinion that the issuance of such specific use permit is in the best interest of the City of Beaumont and its citizens;

NOW, THEREFORE, BE IT ORDAINED

BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this ordinance are hereby, in all things, approved and adopted; and,

Section 1.

That a specific use permit to allow a metal sandblasting and coating facility in an LI (Light Industrial) District at 7625 Washington Boulevard, being Tract 31, Plat SP-8, C. Williams Survey, City of Beaumont, Jefferson County, Texas, containing 21.514 acres,

more or less, as shown on Exhibit "A," attached hereto, is hereby granted to Robert Dean Fontenot, his legal representatives, successors and assigns, as shown on Exhibit "B," attached hereto and made a part hereof for all purposes.

Section 2.

That the specific use permit herein granted is expressly issued for and in accordance with each particular and detail of the site plan attached hereto as Exhibit "B" and made a part hereof for all purposes.

Section 3.

Notwithstanding the site plan attached hereto, the use of the property herein above described shall be in all other respects subject to all of the applicable regulations contained in Chapter 28 of the Code of Ordinances of Beaumont, Texas, as amended, as well as comply with any and all federal, state and local statutes, regulations or ordinances which may apply.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 7th day of October, 2014.

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- Mayor Becky Ames -

**File 2194-Z/P:** Request for a zone change from RS (Residential Single Family Dwelling) to LI (Light Industrial) district with a specific use permit to allow a sandblasting shop.  
**Location:** 7625 Washington Boulevard  
**Applicant:** Robert Dean Fontenot

0 100 200  
Feet

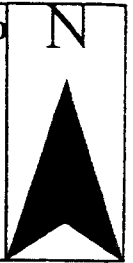
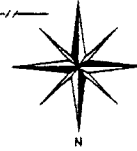


EXHIBIT "A"

PEVOTOT ROAD  
S 89°32'58" E 894.20'

FOUND 1/2" IRON PIPE



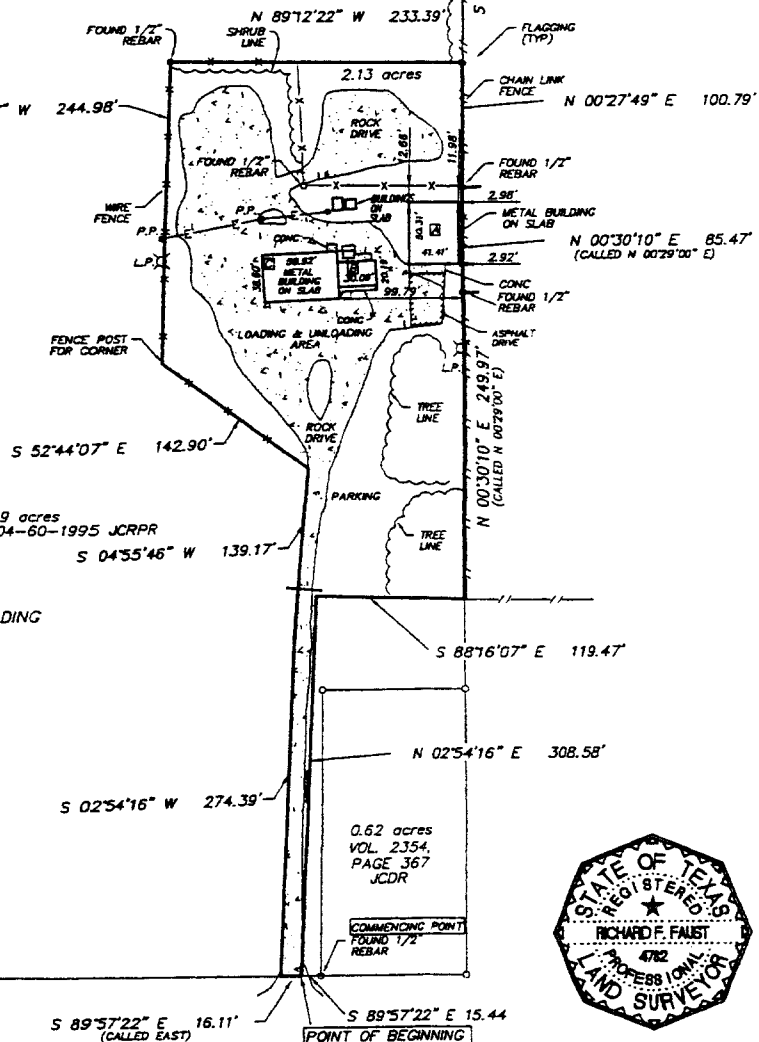
SECURITY LIGHTING & CAMERA  
OPEN METAL BUILDING ON SLAB OPEN  
BUILDING C  
EAVE HT = 21'  
MAX HT = 24.2'  
NTS

METAL BUILDING ON SLAB  
12' OVERHEAD DOOR  
12' OVERHEAD DOOR  
3' PERSONNEL DOOR  
BUILDING B  
EAVE HT = 15.5'  
MAX HT = 18.4'  
NTS

SECURITY LIGHTING & CAMERA  
METAL BUILDING ON SLAB  
3' PERSONNEL DOOR  
18' OVERHEAD DOOR  
BUILDING A  
EAVE HT = 16.6'  
MAX HT = 20.8'  
NTS

N 89°57'22" W 777.83'  
(CALLED WEST)

7625 WASHINGTON BOULEVARD



0.62 acres  
VOL. 2354  
PAGE 367  
JCPR

COMMENCING POINT  
FOUND 1/2" REBAR



S 89°57'22" E 16.11' (CALLED EAST)  
S 89°57'22" E 15.44

POINT OF BEGINNING

RICHARD F. FAUST  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4782

**Faust**  
ENGINEERING AND SURVEYING, INC.  
2525 CALDER STREET • BEAUMONT, TEXAS 77702  
(409) 813-3410 • FAX (409) 813-3484  
Surveying Firm Registration No. 100024-00  
Engineering Firm Registration No. 4800

2.13 ACRE TRACT  
OUT OF THE  
C. WILLIAMS SURVEY, ABSTRACT 59  
JEFFERSON COUNTY, TEXAS

EXHIBIT "B"

DRWG NO. 9705-320C

**October 7, 2014**

Consider an ordinance and a resolution declaring certain structures to be dangerous structures and ordering their removal within 10 days or authorizing the property owner to enroll the dangerous structure in a work program

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## City Council Agenda Item

**TO:** City Council

**FROM:** Kyle Hayes, City Manager

**PREPARED BY:** Chris Boone, Planning & Community Development Director

**MEETING DATE:** October 7, 2014

**REQUESTED ACTION:**

City Council, after conducting a public hearing, consider an ordinance and resolution to declare the following seventy one (71) structures to be unsafe structures and order the owners to raze the said structures within ten (10) days. If the property owner fails to comply within ten (10) days, staff is requesting City Council authorization to demolish these structures without further notification to the property owner or City Council action. Additionally, if the property owner of a structure requests and is authorized by City Council to enroll in a work program, all delinquent taxes shall be paid in full or a payment plan shall be established prior to enrollment in the work program. Enrollment in the work program shall occur within ten days after the effective date of this ordinance.

1. 470 Adams & auxiliary bldgs	2. 2808 Atlanta
3. 2340 Avenue A (garage & shed only)	4. 3370 Avenue B
5. 3800 Avenue B	6. 6400 Bigner
7. 2650 Brahma	8. 1440 Brockman
9. 1645 Brooklyn	10. 1570 Cable
11. 1025 Center	12. 702 Clara
13. 1790 College (commercial)	14. 3515 College (commercial)
15. 1469 Corley (rear garage only)	16. 735 Delmar (commercial)

17. 1380 Edwin & storage bldg	18. 1397 Euclid (auxiliary bldg)
19. 1465 Euclid	20. 1611 Euclid (rear house only)
21. 5860 Falcon	22. 55 N. 5 <sup>th</sup> & garage
23. 495 N. 1 <sup>st</sup> (commercial auxiliary bldg)	24. 275 E. Gill & shed
25. 2045 Glasshouse	26. 2448 Goliad & shed
27. 2645 Goliad & shed	28. 3351 Grand & shed
29. 1090 Hale	30. 1355 Hale
31. 698 Harriot & auxiliary bldgs	32. 2270 Harriot
33. 8195 Helbig	34. 3125 Hollywood
35. 5075 Idylwood & shed	36. 2520 Interstate 10 E (commercial)
37. 4800 Kenneth	38. 1175 Lamar
39. 3270 Lampassas	40. 350 La Salle E.
41. 1098 Lee & shed	42. 465 Lethia
43. 765 Maple (commercial)	44. 2375 Monroe
45. 2365 Nora	46. 8255 Oak Ridge
47. 2440 Omaha	48. 999 Orange (garage apartment & shed)
49. 2816 Orange & shed	50. 5155 Pennock
51. 2410 Pennsylvania	52. 3145 Pine & shed
53. 3150 Pine	54. 590 E. Pipkin (all structures)
55. 1725 Port	56. 1675 Roberts (garage only)
57. 685 Royal (commercial)	58. 8235 San Bruno
59. 8010 San Carlos	60. 720 Shell & garage
61. 910 Sherman	62. 250 E. Simmons & garage
63. 3205 S. 6 <sup>th</sup> Street	64. 2080 South

65 2305 St. Anthony	66 3205 Texas & shed
67 330 Todd & storage	68 120 2 <sup>nd</sup> Street
69 745 Van Buren (garage only)	70 1267 Van Buren
71 3890 Youngstown	

#### **BACKGROUND**

These structures have been inspected by the Building Codes Division and found to be unsafe structures as defined by the City of Beaumont's Code of Ordinances, Chapter 24, Article 24.04 Unsafe Substandard Structures, Division I, Sec. 14.04.001 of the 2009 International Property Maintenance Code. Additionally, these structures have deteriorated to a condition that they are no longer considered suitable for repair.

#### **FUNDING SOURCE**

City may incur the cost of demolition. Sources may include General funds, Community Development Block Grant (CDBG) funding, and a grant with the Southeast Texas Regional Planning Commission and the Texas General Land Office (GLO).

#### **RECOMMENDATION**

Approval of the ordinance and resolution.

ORDINANCE NO.

ENTITLED AN ORDINANCE FINDING CERTAIN  
STRUCTURES TO BE PUBLIC NUISANCES AND  
ORDERING THEIR DEMOLITION AND REMOVAL OR  
REPAIR; PROVIDING FOR SEVERABILITY AND  
PROVIDING FOR A PENALTY.

BE IT ORDAINED BY THE CITY OF BEAUMONT:

Section 1.

That the City Council of the City of Beaumont hereby finds and declares the  
buildings located at:

1. 470 Adams & auxiliary bldgs	2. 2808 Atlanta
3. 2340 Avenue A (garage & shed only)	4. 3370 Avenue B
5. 3800 Avenue B	6. 6400 Bigner
7. 2650 Brahma	8. 1440 Brockman
9. 1645 Brooklyn	10. 1570 Cable
11. 1025 Center	12. 702 Clara
13. 1790 College (commercial)	14. 3515 College (commercial)
15. 1469 Corley (rear garage only)	16. 735 Delmar (commercial)
17. 1380 Edwin & storage bldg	18. 1397 Euclid (auxiliary bldg)
19. 1465 Euclid	20. 1611 Euclid (rear house only)
21. 5860 Falcon	22. 55 N. 5 <sup>th</sup> & garage
23. 495 N. 1 <sup>st</sup> (commercial auxiliary bldg)	24. 275 E. Gill & shed
25. 2045 Glasshouse	26. 2448 Goliad & shed
27. 2645 Goliad & shed	28. 3351 Grand & shed
29. 1090 Hale	30. 1355 Hale
31. 698 Harriot & auxiliary bldgs	32. 2270 Harriot

33. 8195 Helbig	34. 3125 Hollywood
35. 5075 Idylwood & shed	36. 2520 Interstate 10 E (commercial)
37. 4800 Kenneth	38. 1175 Lamar
39. 3270 Lampassas	40. 350 La Salle E.
41. 1098 Lee & shed	42. 465 Lethia
43. 765 Maple (commercial)	44. 2375 Monroe
45. 2365 Nora	46. 8255 Oak Ridge
47. 2440 Omaha	48. 999 Orange (garage apartment & shed)
49. 2816 Orange & shed	50. 5155 Pennock
51. 2410 Pennsylvania	52. 3145 Pine & shed
53. 3150 Pine	54. 590 E. Pipkin (all structures)
55. 1725 Port	56. 1675 Roberts (garage only)
57. 685 Royal (commercial)	58. 8235 San Bruno
59. 8010 San Carlos	60. 720 Shell & garage
61. 910 Sherman	62. 250 E. Simmons & garage
63. 3205 S. 6 <sup>TH</sup> Street	64. 2080 South
65. 2305 St. Anthony	66. 3205 Texas & shed
67. 330 Todd & storage	68. 120 21 <sup>st</sup> Street
69. 745 Van Buren (garage only)	70. 1267 Van Buren
71. 3890 Youngstown	

to be public nuisances in that said buildings violate Chapter 24, Article 24.04, Section 24.04.001 of the Code of Ordinances of the City of Beaumont and are for want of repairs, or by reason of age or dilapidated, decayed, unsafe or unsanitary condition, or otherwise

unfit for human habitation, or otherwise likely to endanger the health, safety or general welfare of the citizens of the City.

#### Section 2.

In accordance with Article XVII, Section 2, of the Charter of the City of Beaumont, Chapter 24, Article 24.04 of the Code of Ordinances of Beaumont, Texas, it is hereby ordered that the owner or owners of the above described buildings demolish and remove said structures within ten (10) days of the effective date of this ordinance.

If the property owner(s) fail(s) to comply within ten (10) days, Council orders that the property be demolished without further notification to the property owners or City Council action.

#### Section 3.

That if any section, subsection, sentence, clause or phrase of this ordinance, or the application of same to a particular set of persons or circumstances should for any reason be held to be invalid, such invalidity shall not affect the remaining portions of this ordinance, and to such end the various portions and provisions of this ordinance are declared to be severable.

#### Section 4.

That any person who violates any provision of this ordinance shall, upon conviction, be punished as provided in Section 1.01.009 of the Code of Ordinances of Beaumont, Texas.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 7th day of  
October, 2014.

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- Mayor Becky Ames